

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 17th day of December, two thousand nineteen.

Steven B. Barger,

Plaintiff - Appellant,

ORDER

v.

Docket No. 19-3538

First Data Corporation,

Defendant – Appellee.

On October 22, 2019, Appellant filed a motion cited in Fed. R. App. P. 4(a)(4) in the district court. On December 12, 2019, this Court issued an order setting January 6, 2020 as Appellant's brief due date following Appellant's failure to file a scheduling notification. Appellant now moves to vacate the current briefing schedule and hold the appeal in abeyance pending the district court's decision on the Rule 59(b) motion.

IT IS ORDERED that the Appellant's current briefing schedule is VACATED and the appeal is held in abeyance pending a decision on the motion in the district court. Appellant is directed to file stay status update letters in 30-day intervals beginning with 30 days from the date of this order, and promptly notify this Court once the district court rules on the motion. Within 14 days of the district court deciding the motion, Appellant is directed to file a scheduling notification letter selecting the opening brief due date.



For the Court:
Catherine O'Hagan Wolfe,
Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

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